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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/268,892 03/16/99 HARTFIELD

G D-43025-01

CRYOVAC INC
P O BOX 464
DUNCAN SC 29334

MM92/0416

EXAMINER

NGUYEN, K
ART UNIT PAPER NUMBER

2881
DATE MAILED:

04/16/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Applicati n N .

09/268,892

Applicant(s)

HARTFIELD

Examiner

K. NGUYEN

Group Art Unit

2881

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 111; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Applicant Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 7
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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Objected Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the package comprising a product and an authenticating agent as recited in claims 1 and 7; one or more packaging materials as recited in claims 2 and 8; a polymeric packaging film as recited in claims 3 and 9; a sample as recited in claim 11; an authenticating system includes an authenticating agent having a substance, reference information, an irradiated reference sample, a source of ionizing radiation, and a spectroscopic system as recited in claim 16; and an electron spin resonance spectroscopy system as recited in claim 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Rejection Under 35 U.S.C. 112, Second Paragraph

Claims 7-10 and 16-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the source" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "the spectroscopically derived output" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Rejection Under 35 U.S.C. 102(b)

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

~~Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Regulla et al. (Dosimetry by ESR spectroscopy of Alanine).~~

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Morita et al.

Morita et al. disclose, in figs. 1-3, a molded dosimeter. The dosimeter includes a powder of alanine for forming detectable free radicals upon radiation, such as gamma, electron beam, or X-rays, and incorporated in a rubber which is a polymeric packaging film; and an electron spin resonance spectroscopy system (col. 1, lines 62-63).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Chang et al. disclose a document for providing multiple colors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner *Kiet T. Nguyen* whose telephone number is (703) 308-4855.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Papers related to Art Unit 2878 applications **only** may be submitted to Art Unit 2878 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Art Unit 2878 Fax Center number is (703) 308-7723.

Application/Control Number: 09/268,892
Attorney's Docket No. D-43025-01

Art Unit: 2881
Paper No. 7

K.T.N/Primary
April 12, 2001



KIET T. NGUYEN
PRIMARY EXAMINER
